

**EIGHTY-FIFTH GENERAL ASSEMBLY
2013 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 21, 2013

HOUSE FILE 590

H-1195

1 Amend House File 590 as follows:

2 1. Page 1, by striking line 20 and inserting <abuse
3 which allege child abuse as defined in subsection
4 2, paragraph "a", subparagraphs (1) through (3) and
5 subparagraphs (5) through (10), or which allege child
6 abuse as defined in subsection 2, paragraph "a",
7 subparagraph (4), that also allege imminent danger,
8 death, or injury to a child.>

9 2. Page 1, by striking line 27 and inserting
10 <which allege child abuse as defined in subsection 2,
11 paragraph "a", subparagraph (4), but do not allege
12 imminent danger, death, or injury to a child. A>

13 3. By striking page 1, line 32, through page 2,
14 line 5, and inserting:
15 <Sec. _____. Section 232.70, subsection 5, Code 2013,
16 is amended to read as follows:

17 5. Upon receipt of a report, the department shall
18 do all of the following:

19 a. ~~Immediately, upon receipt of an oral report,~~
20 make a determination as to whether the report
21 constitutes an allegation of child abuse as defined in
22 section 232.68.

23 b. Notify the appropriate county attorney of the
24 receipt of the report.>

25 4. Page 2, by striking line 17 and inserting
26 <report alleges child abuse as defined in section
27 232.68, subsection 2, paragraph "a", subparagraphs (1)
28 through (3) and subparagraphs (5) through (10), or
29 which alleges child abuse as defined in section 232.68,
30 subsection 2, paragraph "a", subparagraph (4), that
31 also alleges imminent danger, death, or injury to a
32 child.>

33 5. Page 2, by striking line 20 and inserting
34 <alleges child abuse as defined in section 232.68,
35 subsection 2, paragraph "a", subparagraph (4), but
36 does not allege imminent danger, death, or injury to
37 a child.>

38 6. Page 3, line 11, after <unsafe> by inserting <or
39 in imminent danger>

40 7. Page 6, by striking lines 4 through 9 and
41 inserting <report of suspected child abuse of the
42 completion of the family assessment and any service
43 recommendations. For cases assessed pursuant to
44 a family assessment, there shall be no right to a
45 contested case hearing pursuant to chapter 17A.>

46 8. Page 6, line 10, by striking <child abuse>

47 9. Page 6, by striking line 13 and inserting <area
48 administrator, that a report of suspected child abuse
49 is a spurious>

50 10. Page 6, line 23, after <court.> by inserting

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Page 2

- 1 <The department may arrange for services for children
2 and families during and at the conclusion of a family
3 assessment.>
4 11. Page 6, by striking lines 26 through 29 and
5 inserting <a copy of the ~~portion of the~~ written child
6 abuse assessment pertaining to the child abuse report,
7 the written family assessment report for cases in which
8 the department requests a child>
9 12. Page 7, line 9, by striking <summaries> and
10 inserting <reports>
11 13. Page 8, lines 25 and 26, by striking <child
12 abuse report> and inserting <report of suspected child
13 abuse>
14 14. Page 8, line 31, by striking <a case of> and
15 inserting <~~a case of~~ suspected>
16 15. Page 9, by striking lines 27 through 30.
17 16. By striking page 12, line 34, through page 13,
18 line 26.
19 17. Page 14, line 6, by striking <235A.13,>
20 18. By renumbering as necessary.

By FRY of Clarke

H-1195 FILED MARCH 20, 2013

Senate Amendment to
HOUSE FILE 488

H-1194

- 1 Amend House File 488, as passed by the House, as
2 follows:
3 1. Page 16, by striking lines 1 and 2 and inserting
4 <if the beer is not sold or offered>

RECEIVED FROM THE SENATE

H-1194 FILED MARCH 20, 2013

HOUSE FILE 538

H-1197

1 Amend House File 538 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 904A.2A Board of parole
5 ---- alternate members.

6 1. Notwithstanding sections 17A.11, 69.16, and
7 69.16A, the board of parole shall have a pool of three
8 alternate members to substitute for board members who
9 are disqualified or become unavailable for any other
10 reason for hearings. Each alternate member shall
11 serve a term of four years beginning and ending as
12 provided by section 69.19, except for alternate members
13 appointed to fill vacancies who shall serve for the
14 balance of the unexpired term.

15 2. A person serves in the pool of alternate members
16 at the discretion of the board. A person who serves as
17 an alternate member may later be appointed to the board
18 and may serve four years, in accordance with section
19 904A.1. A former board of parole member may serve in
20 the pool of alternate members.

21 3. When a sufficient number of board of parole
22 members are unavailable to hear a case, the board of
23 parole may request alternate members to serve.

24 4. Notwithstanding sections 17A.11 and 904A.1:
25 a. An alternate member is deemed a member of the
26 board of parole only for the hearing panel for which
27 the alternate member serves.

28 b. At least one member of a hearing panel
29 containing alternate members shall be a member of the
30 board.

31 c. A decision of a hearing panel containing
32 alternate members is considered a final decision of the
33 board.

34 5. An alternate member shall not receive
35 compensation in excess of that authorized by law for a
36 board of parole member who is not the chairperson or
37 vice chairperson of the board of parole.

38 Sec. 2. Section 904A.3, Code 2013, is amended to
39 read as follows:

40 904A.3 Appointment to board of parole.

41 The governor shall appoint the chairperson and other
42 members of the board of parole, including alternate
43 members, subject to confirmation by the senate.
44 The chairperson shall serve at the pleasure of the
45 governor. Vacancies shall be filled in the same manner
46 as regular appointments are made.>

47 2. Title page, line 1, by striking <relating to>
48 and inserting <authorizing alternate members of>

By ALONS of Sioux

H-1197 FILED MARCH 20, 2013

HOUSE FILE 604

H-1196

1 Amend the amendment, H-1188, to House File 604 as
2 follows:

3 1. Page 1, after line 27 by inserting:

4 <____. By striking page 27, line 33, through page
5 28, line 3.>

By DOLECHECK of Ringgold

H-1196 FILED MARCH 20, 2013

Fiscal Note

Fiscal Services Division



HF 557 – Law Enforcement Equipment Removal, Criminal Penalty (LSB 1927HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Bob M. Kressig

Description

House File 557 amends **Iowa Code chapter 708** (Assault) to create a new offense, removal of a peace officer's communication device, and provides a Class "D" forcible felony penalty for the offense.

Background

Correctional and Fiscal Information

- The new offense defines "officer" as a reserve peace officer, a jailer, a correctional officer, or a peace officer as defined in **Iowa Code section 801.4**.
- The impact of the new offense, removal of an officer's communication or control device, cannot be estimated due to a lack of data.
- The State prison population is 8,190 offenders on March 13, 2013, or 113.6% of capacity.
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division (CJJPD), the State Court Administrator's Office, State Public Defender's Office, and the Department of Corrections, the following are estimates for sentencing, length of stay under correctional supervision, and costs for a Class "D" forcible felony.

Criminal Justice System Information

	Court Costs per Case for Trial By Jury	Indigent Defense Cost per Case	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Avg Length of Stay on Parole	Average Cost per Day for Parole
Forcible Felony Class "D" Felony	\$3,000	\$1,200	100.0%	21.5 months	\$17.60	12.5 months	\$3.66

Minority Data Information

The minority impact cannot be estimated due to a lack of data. Refer to the **Minority Impact Memo** dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- The new offense has a broad definition of "officer." The crime may be similar to the crime of disarming or attempting to disarm a peace officer of a dangerous weapon as defined in **Iowa Code section 708.13(2)**. If so, there were five convictions for that offense in FY 2012. Given the broad nature of the definition of "officer," it is not possible to estimate if there will be more or fewer convictions under this Bill's provisions as compared to disarming or attempting to disarm a peace officer of a dangerous weapon.

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system.
- These will be jury trials and the defendants will be indigent.

Minority Data Information

The minority impact of the new crime cannot be estimated due to a lack of data. The crime may be similar to the crime of disarming or attempting to disarm a peace officer of a Dangerous weapon as defined in [Iowa Code section 708.13\(2\)](#). If so, then 40.0% of the FY 2012 convicted offenders were Black and 60.0% were White. There may be a minority impact associated with the new crime created in this Bill.

Summary of Impacts

Correctional Impact: The correctional impact cannot be estimated but may be significant due to the mandatory term of a State prison sentence of at least one year.

Minority Impact: The minority impact cannot be estimated but may be significant.

Fiscal Impact: The impact to the State General Fund is an additional cost of approximately \$17,100 for one Class “D” forcible felony conviction. Costs will be incurred across multiple fiscal years while the offender is supervised in the State prison and parole system. The table below shows the impact by areas within the criminal justice system.

	General Fund
State Prison	\$ 11,500
CBC	1,400
Judicial Branch	3,000
Indigent Defense	1,200
Total	<u>\$ 17,100</u>

Sources

Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender
Department of Corrections

/s/ Holly M. Lyons

March 20, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 525 – Driver's Licenses Period of Validity (LSB 1727HV)

Analyst: David Heuton (Phone: (515) 725-0509) (david.heuton@legis.iowa.gov)

Fiscal Note Version – New

Description

House File 525 lengthens the period of time that driver's licenses and nonoperator's identification cards are valid from five years to eight years with corresponding increases in the licensing fees charged. The cost per year of validity does not change from present law. Drivers under the age of 18, or age 70 and older, may renew their licenses for no more than a two-year period.

Assumptions

- Average annual driver's license renewal volume is approximately 430,000 licenses under the five-year license.
- Average annual driver's license renewal volume under an eight-year license period will be approximately 270,000 licenses.
- The reduction in the number of annual renewals will be approximately 160,000.
- The cost to produce and issue each driver's license is approximately \$8.92.
- County issuance expenses of \$7.00 per license renewal, or \$392,000, will be avoided.
- The additional \$12.00 collected for each eight-year license will offset the revenue lost resulting from the issuance of 160,000 fewer driver's licenses each year.

Fiscal Impact

This Bill will result in an estimated savings to the Road Use Tax Fund of \$1.8 million annually based on the assumptions above. Counties may experience a reduction in issuance costs, but that impact cannot be determined, and is offset by the reduced Department of Transportation retention transfer payments mentioned above.

Source

Department of Transportation

/s/ Holly M. Lyons

March 20, 2013

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
